IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.939 OF 2006

The Maratha Yuvak Mandal & Ors. .. Petitioners
Versus
The Divisional Commissioner,
Pune Division, Pune & Ors. .. Respondents

Mr.S.G.Kudle for petitioners
Mr.R.M.Patne, A.G.P. for respondents.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 22nd February 2006.

P.C.

. Heard Mr.Kudle appearing for petitioners and Mr.Patne, A.G.P. It is not disputed before me that an appeal preferred by petitioners to challenge the order passed by the District Supply Officer is pending.

2. A show cause notice was issued to petitioner Mandal alleging therein that single

chart of distribution is not submitted, although, kerosene was lifted every day for the purpose of distribution to the card holders. The charge is that the card holders have not been supplied kerosene but it is sold in black market. The show cause notice is dated 15th December 2005. On 23rd December 2005 the petitioner gave an explanation and pointed out that the Kerosene lifted on 9th Decembe 2005 is distributed to card holders on 10th December and 13th December 2005 and distribution charts have been handed over to the zonal office. There is some delay in submitting the chart but the chart is indeed filed.

3. This explanation is disbelieved by the District Supply Officer and he proceeded to cancel Kerosene dealer licence issued to petitioner Mandal.

4. Aggrieved by this order appeal is

preferred to the Dy.Commissione, Civil Supplies Pune and the appeal is pending. Application for stay made therein is also pending and no orders are being passed thereon. Appeal is also not being heard.

5. In my view, in these peculiar facts and circumstances, the appellate authority should endeavour and dispose of the appeal within a period of four weeks from the date of receipt of this order. However, for convenience of the card holders, the D.S.O. is directed to continue the supplies, subject of course, to the outcome of appeal. Stay application is disposed of on these terms. This order is without prejudice to the rights and contentions of both sides. All concerned to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)